

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

BRUCE DOAK,

Petitioner,

v.

CIVIL ACTION NO. 5:05CV175

WILLIAM S. HAINES,

Respondent.

**RECOMMENDATION THAT APPLICATION TO PROCEED
IN FORMA PAUPERIS BE DENIED AS MOOT**

On October 17, 2005, *pro se* petitioner, Bruce Doak, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 and an application for leave to proceed *in forma pauperis*. The petitioner paid the \$5 filing fee on October 17, 2005¹ rendering the application for leave to proceed *in forma pauperis* moot.

Accordingly, it is recommended that the petitioner's October 17, 2005 application to proceed *in forma pauperis* be **DENIED AS MOOT**.

The petitioner may file within ten (10) days from the date of this Recommendation, with the Clerk of the Court written objections identifying the portions of the Recommendation to which objections are made, and the basis for such objections. A copy of such objections should also be submitted to the Honorable Frederick P. Stamp, Jr., United States District Judge. Failure to timely file objections to the Recommendation set forth above will result in waiver of the right to appeal

¹ Docket No. 2.

from a judgment of this Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); United States v. Schronce, 727 F.2d 91 (4th Cir. 1984), cert. denied, 467 U.S. 1208 (1984); Wright v. Collins, 766 F.2d 841 (4th Cir. 1985); Thomas v. Arn, 474 U.S. 140 (1985).

The Clerk of the Court is directed to mail a copy of this Recommendation to the *pro se* petitioner.

DATED: November 17, 2005

/s/ James E. Seibert
JAMES E. SEIBERT
UNITED STATES MAGISTRATE JUDGE